

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 15 2010

Darius Z. Vaxter

DAVID J. MALAND, CLERK
BY
DEPUTY

VS.

CASE No: 1:10-CR-110

(UNITED STATES OF AMERICA)

MOTION TO DISMISS COUNCIL

COMES NOW, JAMES ALVIN GODFREY DEFENDANT AND FILES THIS MOTION TO DISMISS COUNCIL. ACCORDING TO "CALIFORNIA V. FARETTA 422 US, 806 (1975)," AND TO "THE AMERICAN BAR ASSOCIATION'S STANDARDS FOR CRIMINAL JUSTICE: THE DEFENSE FUNCTION INSTRUCTS THAT COUNSEL MUST ESTABLISH A RELATIONSHIP WITH HIS OR HER CLIENT. THE DEFENSE FUNCTION § 4-3.1. COUNSEL MUST PROMPTLY PURSUE AVAILABLE PROCEDURE AND ENGAGE IN A MOTION PRACTICE TO PROTECT HIS OR HER CLIENT'S RIGHTS. § 4-3.6. COUNSEL MUST CONDUCT A PROMPT INVESTIGATION OF THE CIRCUMSTANCES OF THE CASE AND EXPLORE ALL AVENUES LEADING TO FACTS RELEVANT TO THE MERITS OF THE CASE AND THE PENALTY, INCLUDING EFFORTS TO SECURE INFORMATION IN THE POSSESSION OF THE PROSECUTION AND LAW ENFORCEMENT AUTHORITIES. THE DEFENSE FUNCTION § 4-4.1. AND DUE TO A LACK OF INTEREST BY DEFENSE COUNSEL, HE HAS NO KNOWLEDGE OF THE EVIDENCE THAT IS PURSUANT TO MY CASE, OWN MY BEHALF WHICH COULD MATERIALLY AFFECTED THE OUTCOME OF THIS CASE. DEFENDANT THEREFORE MOVES THE COURT FOR THE REASON MENTIONED ABOVE TO DISMISS THE COURT APPOINTED COUNSEL.

CERTIFICATE OF SERVICE

I, Darius Vaxter, do hereby certify that a true and correct copy of the defendants Motion to dismiss Attorn and allow Pro/Se add New Counsel to Act on Petitioner's behalf has been forwarded by United States Mail, postage paid, first class, to the United States Attorney for the Eastern District of Texas at Russell, Wright P.O. Box 315, Bee, Texas Texas.

xxx Darius Vaxter #18011078